

City Council Meeting Minutes

**January 3, 2017
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: *Mayor Robert Muckle, Mayor Pro Tem Jeff Lipton, Councilmembers Jay Keany, Chris Leh (arrived 7:02 pm), Susan Loo, Dennis Maloney, and Ashley Stolzmann*

Staff Present: *Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Aaron DeJong, Director of Economic Development
Rob Zuccaro, Director of Planning & Building Safety
Lauren Trice, Associate Planner
Dave Hayes, Police Chief
Meredyth Muth, City Clerk*

Others Present: *Sam Light, City Attorney*

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Loo. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Debbie Fahey, 1118 West Enclave Circle, representing the Seniors of Louisville Board, stated the board is sponsoring the upcoming FACE concert on January 14th at 7 PM. The concert is a fund raiser to raise money for seniors in need of help with energy bills, emergency costs, activity scholarships, and more. She encouraged everyone to attend.

APPROVAL OF THE CONSENT AGENDA

MOTION: Councilmember Stolzmann requested a change to the December 20 City Council minutes. Mayor Muckle moved to approve the consent agenda with that change, seconded by Councilmember Stolzmann. All in favor.

- A.** Approval of Bills
- B.** Approval of Minutes: December 20, 2016
- C.** Approval of Designation of Places for Posting Notices for Public Meetings
- D.** Approval of Resolution No. 1, Series 2017 – A Resolution Approving a Final Planned Unit Development (PUD) to Construct a 62,380 Square-Foot Industrial/Flex Building with Associated Site Improvements on Lot 2, Block 3, Park at CTC

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle wished everyone a Happy New Year.

CITY MANAGER'S REPORT

City Manager Fleming stated there will be a Community Safety Meeting on January 16 (6 pm, Ascent Community Church). The meeting will be led by the District Attorney and will be for a discussion of protection concerns in Louisville and Boulder County. The meeting will highlight protection for every person under Colorado Law.

REGULAR BUSINESS

DISTRIBUTION OF OPEN GOVERNMENT PAMPHLET

Mayor Muckle requested a staff presentation.

City Clerk Muth explained Section 4-16 (b) of the Home Rule Charter requires the City publish and update a summary of Articles 4 and 5 of the Charter, and other laws relating to citizen participation in municipal government. The pamphlet is provided to each member of a public body at its first meeting of the calendar year, and is available to anyone on the City's web site, at City Hall, and at the Library.

Mayor Muckle encouraged residents to read the pamphlet to help everyone understand the City's rules and how open government issues are handled in the City.

625 LINCOLN AVENUE – LANDMARKING AND PRESERVATION GRANT

**RESOLUTION NO. 2, SERIES 2017 – A RESOLUTION DESIGNATING THE GORCE
HOUSE LOCATED AT 625 LINCOLN AVENUE A HISTORIC LANDMARK**

**RESOLUTION NO. 3, SERIES 2017 – A RESOLUTION APPROVING A
PRESERVATION AND RESTORATION GRANT FOR WORK ON THE GORCE
HOUSE LOCATED AT 625 LINCOLN AVENUE**

Planner Trice stated this is a request to landmark 625 Lincoln Avenue and for a preservation grant for rehabilitation of the home. She stated the structure meets the criteria for landmarking as specified in the Municipal Code. It maintains significant architectural integrity since its construction circa 1902, including preservation of the overall form. The grant request is for rehabilitation of the existing structure. The proposed changes will facilitate the continued preservation of the structure and are historically compatible. Staff and the Historic Preservation Commission recommend the City Council approve both the landmarking and the preservation grant.

Andy Johnson, DAJ Design, 922A Main Street, representing the applicant, stated this home has a great deal of original architecture even with the additions that were added midcentury. He gave some history of the home and its architectural changes. Some of the items that need to be completed to maintain the house are siding repair and replacement, repairs to exterior ornamentation, rebuilding windows in their original locations, and some roof work. He noted the addition in the rear of the home will complement the existing structure.

The Mayor asked for public comments. There were no public comments.

Mayor Muckle stated he liked the project as presented. He moved to approve Resolution No. 2, Series 2017 to landmark the house. Councilmember Stolzmann seconded the motion. All in favor.

Mayor Muckle moved to approve Resolution No. 3, Series 2017 for the preservation grant. Councilmember Stolzmann seconded the motion. A roll call vote was taken; it was approved 7-0.

**CONTRACT TO EXCHANGE REAL ESTATE WITH 608 STUDIOS, LLC –
*continued from 12/20/17***

**ORDINANCE NO. 1729, SERIES 2016 – AN ORDINANCE AUTHORIZING THE
CONVEYANCE OF A PARCEL OF LAND OWNED BY THE CITY OF LOUISVILLE IN
EXCHANGE FOR THE CONVEYANCE TO THE CITY OF A PARCEL OF LAND
OWNED BY 608 STUDIOS, LLC – 2nd READING – PUBLIC HEARING (advertised
*Daily Camera 12/11/16)***

RESOLUTION NO. 73, SERIES 2016 – A RESOLUTION APPROVING A CONTRACT TO EXCHANGE REAL ESTATE BETWEEN THE CITY OF LOUISVILLE AND 608 STUDIOS, LLC FOR THE EXCHANGE OF PORTIONS OF PROPERTIES LOCATED AT 608, 612, AND 624 MAIN STREET – *continued from 12/06/16 and 12/20/16*

Attorney Light introduced the item by title noting this public hearing is being continued from 12/20/16. He noted the Ordinance and Resolution are both a part of the land swap.

Mayor Muckle reopened the public hearing.

Director DeJong stated City staff and 608 Studios, LLC have negotiated a contract to Exchange Real Estate in the 600 block of Main Street. The land exchange would better align the property for a Main Street oriented retail and commercial building for the building owner and for the City and it would accommodate an east-west oriented parking structure within the block, should that ever be something City Council desires. He noted the Council received a redlined version of this ordinance with changes from the December 20 discussion. Since December 20 the Mayor and Mayor Pro Tem have helped negotiate this proposal. He went through the changes:

1. The building permit fee and construction use tax credit of \$35,000 for 608 Studios was removed from the contract.
2. The parking improvement fee cap was increased from \$5000 per space to \$7500 per space.

Eric Fowles, 608 Studios, stated he hoped the Council was supportive of the changes and he thinks this is a good move for the City in the long term.

Andy Johnson, 922A Main Street, stated he supports the proposal as it positions the City in a good way to address parking downtown. It could create more efficient parking which is a huge benefit. It also fills a hole in downtown with a productive building. This is a good project for Louisville.

Councilmember Stolzmann stated she thinks there is space for a parking structure on the City's existing property without completing the land swap. She showed photos of some similar properties in other cities that have parking structures on them. She is concerned that a new parking structure on this site would impact the use of the alley. She stated she doesn't think the land swap is needed to do a parking structure. She feels this land swap diminishes the City's position should the City ever want to sell the existing parking lot. She stated the land swap devalues the property sufficiently.

Mayor Muckle stated he supports the land swap. It gives the City more flexibility in the long run. He is happy with the changes to the contract.

Councilmember Keany likes the changes to the contract and supports the land swap as it maximizes the City's choices on future uses of the property.

Councilmember Loo stated the land swap makes sense and gives the City a better opportunity for a parking structure. A new building on Main Street would be a nice addition to downtown. She sees the land swap as an opportunity that shouldn't be passed on.

Councilmember Maloney stated he appreciates Councilmember Stolzmann's perspective but notes the land swap gives a better foot print for future use. He supports the swap but wishes the Council had taken more time and had better discussion prior to entering into something like this. Councilmember Leh agreed with Councilmember Maloney.

Mayor Muckle asked for Public Comment. There were no public comments.

Mayor Pro Tem Lipton stated he is concerned that land purchases are being done incrementally without a long-term plan. He is reluctant to move on future projects without more planning for the downtown area. He is concerned, in general, about the valuations being used for land purchases and if we are getting the highest and best use of properties.

Councilmember Stolzmann stated this doesn't create more parking in the long run as it is a loss of 17 spaces when the new building is complete. Additionally, this commits the City to repave this lot after construction which is an added expense. She stated filling the gap on Main Street will limit the footprint of the building in the long run. She does not support the swap.

Ordinance No. 1729, Series 2017 – Councilmember Keany moved to approve the ordinance as amended; Councilmember Loo seconded the motion. A roll call vote was taken and it passed 6-1; Councilmember Stolzmann voted no.

Resolution No. 73, Series 2017 – Mayor Muckle moved to approve the resolution. Councilmember Keany seconded the motion. A roll call vote was taken and it passed 6-1; Councilmember Stolzmann voted no.

NORTH END MARKET – GENERAL DEVELOPMENT PLAN AMENDMENT AND FINAL PLAT AND PLANNED UNIT DEVELOPMENT

**ORDINANCE NO. 1730, SERIES 2016, AN ORDINANCE APPROVING AN
AMENDMENT TO THE NORTH END GENERAL DEVELOPMENT PLAN (GDP) TO
TRANSFER 17 RESIDENTIAL UNITS FROM PLANNING AREA 4 TO PLANNING
AREA 1 AND REDUCE THE COMMERCIAL SPACE TO 40,000 SQUARE FEET IN
PLANNING AREA 1 – 2nd READING –PUBLIC HEARING (advertised *Daily Camera*
12/25/16)**

**RESOLUTION NO. 78, SERIES 2016 – A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT (PUD) TO CONSTRUCT A MULTI-USE DEVELOPMENT CONSISTING OF 38 DWELLING UNITS AND 40,000 SQUARE FEET OF COMMERCIAL SPACE; BLOCK 11, NORTH END PHASE TWO –
*CONTINUED FROM 12/20/16***

Attorney Light introduced the ordinance by title stating this is a 2nd reading and public hearing; he noted the associated resolution. Mayor Muckle opened the public hearing.

Director Zuccaro stated the applicant has requested a continuance for more time to review the original General Development Plan (GDP) and to take a look at the fiscal model information. Council has asked for additional information on the fiscal analysis for the entire GDP area and staff is working with the applicant to get this information. They plan to run the current fiscal model on the original GDP from 2006 and also on the proposed changes to the GDP.

Mayor Muckle moved to continue the item to 1/17/16; Councilmember Loo seconded the motion. City Attorney Light noted this will continue both the ordinance and the resolution. All were in favor of the continuance.

ORDINANCE NO. 1731, SERIES 2017, AN ORDINANCE AMENDING CHAPTER 9.22 AND CHAPTER 9.72 OF THE LOUISVILLE MUNICIPAL CODE REGARDING MINORS AND ALCOHOL AND AMENDING SECTION 9.76.020 OF THE LOUISVILLE MUNICIPAL CODE REGARDING POSSESSION AND CONSUMPTION OF MARIJUANA BY MINORS – 1st READING – SET PUBLIC HEARING 01/17/17

City Attorney Light introduced the ordinance by title on first reading. Mayor Muckle moved to approve the ordinance on first reading and set the public hearing for 1/17/17. Councilmember Leh seconded the motion. Members voted 7-0 to approve.

14.12 OF THE LOUISVILLE MUNICIPAL CODE REGARDING VIOLATIONS OF PARKS AND RECREATION REGULATIONS – 1ST READING – SET PUBLIC HEARING 01/17/17

City Attorney Light introduced the ordinance by title on first reading. Mayor Muckle moved to approve the ordinance on first reading and set the public hearing for 1/17/17. Councilmember Leh seconded the motion. Members voted 7-0 to approve.

CITY ATTORNEY'S REPORT

Attorney Light noted the sale of the grain elevator was completed in December. He will be sending Councilmembers information on a recent case relating to Amendment 41. He added he would like to do some training on open meetings rules and quasi-judicial matters with the Council at a future meeting.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF
FUTURE AGENDA ITEMS**

Councilmember Keany stated he would not be able to attend Thursday's Youth Advisory Board meeting and asked if another member might be able to attend.

Councilmember Leh noted his support for the Community Safety meeting on January 16 stating it is a timely meeting that members of the community are interested in.

ADJOURN

Members adjourned the meeting at 8:00 p.m.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk